

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ANTHONY BOWDEN,

Plaintiff,

V.

**NATHANIEL FAUQUIER, and
GREGORY BOWMAN,**

Defendants.

CIVIL ACTION NO. 5:11-cv-437 (MTT)

ORDER

This matter is before the Court on United States Magistrate Judge Stephen Hyles' Recommendations (Docs. 104 and 105) on Defendants Fauquier's and Bowman's Motion to Dismiss (Doc. 53), Defendants Fauquier's and Bowman's Motion for Summary Judgment (Doc. 94), and Plaintiff Bowden's Motion for Summary Judgment (Doc. 88). Judge Hyles recommends granting the Defendants' Motions to Dismiss and for Summary Judgment. Judge Hyles recommends denying the Plaintiff's Motion for Summary Judgment. The Plaintiff has not objected to either Recommendation.

I. The Defendants' Motion to Dismiss

The Defendants moved to dismiss, contending that the Plaintiff failed to state claims against them in their official capacities. Further, Defendant Fauquier contends that the Plaintiff's claim that he failed to restrain the Plaintiff and drove a high rate of speed fails to form the basis for a § 1983 claim. Judge Hyles recommends granting the Motion, and the Court agrees.

The Court has reviewed the pleadings and the Recommendation. The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate

Judge. The Recommendation (Doc. 104) is adopted and made the order of this Court, and the Defendants' Motion to Dismiss is **GRANTED** (Doc. 53).

II. The Defendants' and Plaintiff's Motions for Summary Judgment

The Defendants move for summary judgment, contending that they are entitled to judgment as a matter of law on the Plaintiff's § 1983 individual capacity claims of deliberate indifference. Judge Hyles recommends granting the Defendants' Motion because the Plaintiff failed to state a viable claim for deliberate indifference, and thus the Defendants were entitled to qualified immunity. Because of this ruling, Judge Hyles recommends denying the Plaintiff's Motion.

The Court has reviewed the pleadings and the Recommendation. The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation (Doc. 105) is adopted and made the order of this Court, and the Defendants' Motion for Summary Judgment is **GRANTED** (Doc. 94) and the Plaintiff's Motion for Summary Judgment is **DENIED** (Doc. 88).

SO ORDERED, this 1st day of November, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT